

ESTTA Tracking number: **ESTTA713674**

Filing date: **12/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057462
Party	Plaintiff CytoSport, Inc.
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Submission	Withdrawal of Cancellation
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Signature	/Eric Westerberg/
Date	12/09/2015
Attachments	Withdrawal of Cancellation - EVO2LV.pdf(15775 bytes)

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Opposed Mark: EVO2LV
U.S. Trademark Application Serial Number 77/678973

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

CytoSport, Inc.	
Petitioner,	Proceeding No. 92057462
v.	
Evolv Health, LLC	
Respondent.	

Motion to Withdraw Petition to Cancel

Pursuant to TBMP § 601.02 and 37 CFR § 2.114(c), CytoSport, Inc. moves the Board to dismiss Proceeding No. 92057462 with prejudice.

DATED this 9th day of December, 2015.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

/Eric E. Westerberg/

Peter M. de Jonge

Eric E. Westerberg

*Attorneys for Opposer,
CytoSport, Inc.*

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing **Withdrawal of Cancellation** was served upon the Applicant by the methods indicated below:

Geordie Zug
Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201

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|-------------------------------------|---------------------------------|
| <input type="checkbox"/> | Electronic Mail |
| <input checked="" type="checkbox"/> | United States Mail, First Class |
| <input type="checkbox"/> | Overnight Delivery |
| <input type="checkbox"/> | Fax Transmission |

Dated this 9th day of December, 2015.

/Kelley Warner/
Kelley Warner